



# **Solicitation Registration**

**Dallas City Code Section 7.600**

## Dallas City Code Section 7.600 - 7.645

### 7.600 Policy and Purpose.

The council finds it necessary and desirable to regulate solicitation in order to provide an effective opportunity for the occupants of residential property to protect themselves from the unwanted disruption of the peaceful and quiet enjoyment of their property and right of privacy that is caused by solicitors, to protect the rights to free speech guaranteed by the Oregon and Federal Constitutions for lawful solicitors, and to provide a means by which those solicitors who choose to intrude upon and disrupt an occupant's quiet enjoyment of property can be held accountable for such violations. The council has also been advised that, based upon actual experiences in Dallas and in the opinion of crime prevention specialists nationwide, there is a direct connection between residential burglaries and unscrupulous solicitors. The creation of a registration requirement will enable city officials and citizens of the city to become informed concerning the individuals and organizations who choose to solicit in the city. Sections 7.600 to 7.640 also provide a mechanism for discouraging those solicitors who avoid registration and provide a mechanism to identify and discourage those who would use solicitation as a front for criminal activity.

### 7.605 Definition.

For purposes of sections 7.600 to 7.640, the terms "solicit" and "solicitation" mean the entry onto real property by a person for the purpose of taking orders for goods, wares or merchandise or any article or thing of value for present or future delivery or for services to then be performed or to be performed in the future or for the making, manufacture or repair of any article or thing whatsoever for present or future delivery without the actual consent of the occupant to do so; provided, however, that this shall not be deemed to include regular commercial travelers employed by wholesale houses and selling goods, wares, merchandise or services to merchants of this city, nor to newspaper vendors or minors selling goods, wares, merchandise or services on behalf of any public or private school or any nonprofit charitable organization that is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code of the United States, as it may be amended from time to time.

### 7.610 Prohibited Acts and Penalties.

(1) No person shall:

(a) Solicit before 9 a.m. or after 9 p.m. when the local time is daylight savings time or after 8 p.m. when the local time is standard time.

(b) Solicit without first having obtained a registration certificate if required to do so by sections 7.600 to 7.640.

(c) Violate the terms of a registration certificate issued under sections 7.600 to 7.640.

(d) Solicit after a registration certificate has been revoked.

(e) Allow, suffer, or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.

(f) Provide false or fraudulent information on a registration statement.

(g) Allow, suffer, or permit any person to solicit on their behalf after a registration certificate has been revoked.

(2) Violation of subsections (1)(a), (1)(c), (1)(e), and (1)(f) of this section is punishable by a fine of not more than \$500.

(3) Violation of subsection (1)(b) of this section is punishable by a fine of not more than \$500 unless the violation is intentional, in which case it is punishable by a fine of not more than \$500 or imprisonment not to exceed 30 days, or by both fine and imprisonment.

(4) Violation of subsections (1)(d) and (1)(g) of this section is punishable by a fine of not more than \$500 or imprisonment not to exceed 30 days, or by both fine and imprisonment.

#### **7.615 Consent to Enter Onto Real Property, Exemptions.**

(1) It shall be an affirmative defense to an alleged violation of section 7.610(1)(a) that the person charged with the violation had received actual or constructive consent of the occupant prior to entering the real property. Constructive consent to enter the real property may be implied from the circumstances of each instance, the relationship of the parties, and actual or implied contractual relationships.

(2) Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

(3) Officers, employees, or agents of a governmental entity, while performing activities within the scope of their office, employment, or agency are exempt from the requirements of sections 7.600 to 7.640.

(4) No person may be charged with a violation of sections 7.600 to 7.640 in connection with an act committed between 4 p.m. and 10 p.m. on October 31.

#### **7.620 Registration Statement.**

(1) All persons intending to solicit at five or more dwelling units in the city during any eight-hour period shall pay the registration fee established by resolution of the city council and file with the city manager a registration statement, on forms provided by the city manager, containing the following information:

(a) The name of the person registering and desiring to solicit.

(b) Whether the person registering is a natural person, partnership, corporation, limited liability company or association, and

(i) If a natural person, the business or residence address and telephone number of the person.

(ii) If a partnership, the names of all partners and the principal business address and telephone number of each partner.

(iii) If a corporation, the person registering must state whether it is organized under the laws of Oregon or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of the Willamette Valley area office of such corporation, and the registered agent of the corporation and the names of all officers and directors or trustees of the corporation, and, if a foreign corporation, the place of incorporation.

(iv) If an association or limited liability company, the registration statement shall show the association or limited liability company's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association or limited liability company, unless they exceed ten in number, in which case the application shall so state and the person registering may alternatively list the names and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association or managers of the limited liability company. If the association or limited liability company is part of a multi-state organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.

(c) A brief description of the nature of the organization if the person registering is a partnership, association or corporation and an explanation of the intended purpose of the solicitation.

(d) The names, mailing address, and telephone number of all individuals who will be in direct charge or control of the solicitation and the names and addresses of all persons who will be actually involved in the solicitation activity. One of the named individuals shall be designated to receive any notice or communication from the city or the public concerning the solicitation activities.

(e) The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion.

(f) A description of the methods and means by which the solicitation is to be accomplished and the approximate locations and dates on which those locations will be visited.

(g) The names of any other cities in which the person registering has solicited within the past five years, but if the person registering has solicited in more than five other cities, the person registering may list the five cities located closest to Dallas.

(h) A statement that if a certificate of registration is granted, the certificate will not be used as or represented to be an endorsement by the city or any of its officers or employees.

(i) The names of any officer, director, trustee, partner, corporation, or any current agent or employee or any other person actually engaging in the solicitation who has signed a consent decree or order in the last five years or who has been convicted of a felony or a misdemeanor involving moral turpitude within the past five years, and the nature of the offense or consent decree or order, the state where the conviction or consent decree or order occurred, and the year of the conviction or consent decree or order.

(j) An explanation of the reasons, if the person registering is unable to provide any of the foregoing information, why such information is not available.

(k) The registration statement must be signed by the applicant, if the person registering is an individual; if the person registering is a partnership, by a partner; if the person registering is a corporation or an association, by an officer. The individual signing the registration statement shall sign the statement and swear or affirm before an Oregon notary that he has carefully read the registration statement and that all the information contained therein is true and correct.

(2) Submission of a registration statement under this section shall constitute the registrant's consent to conduct an investigation of the registrant's qualifications by the city, and consent to a criminal background check of the registrant under city ordinance. If the registrant is a partnership, joint venture, limited liability company, corporation or other business entity, the applicant shall consent to a criminal background check on the entity and all partners, joint ventures, members, managers, officers and directors, as well as any employee or agent designated to engage in solicitation within the city of Dallas under the registration.

(3) The registration statement and information submitted with the registration statement are public records available for public inspection during normal city business hours.

#### **7.625 Issuance of Certificate of Registration.**

(1) After a review of the registration statement to determine its compliance with section 7.620, and within ten working days of the receipt of the registration statement, the city manager shall either issue a certificate of registration in the form provided by section 7.635, or notify the person registering that the registration statement does not comply with the requirements of section 7.620. The notice shall specifically point out what required information or explanation has not been furnished before a certificate of registration can be issued.

(2) If the person registering is engaged in an activity for which a business license is required by the city, proof of a valid business license shall be furnished prior to the issuance of the certificate.

### **7.630 Revocation of Registration.**

(1) A certificate of registration shall be revoked by the city manager if a registered person, or one or more solicitors engaged on behalf of that person, are convicted or plead guilty or no contest to a cumulative minimum of two violations of section 7.610 occurring within any 30 calendar day period in connection with or on behalf of the solicitation of the registered person. A certified copy of the municipal court record of plea or conviction is conclusive proof that a violation has occurred.

(2) The period of revocation shall be for six months, during which time the person may not receive a certificate of registration.

(3) Within five working days of receipt of notification that a registered person has been convicted or plead guilty or no contest to the second violation, the city manager shall notify the person designated in the registration statement to receive notice of the action to revoke, in writing, five days prior to the effective date of the revocation.

(4) The person may appeal the manager's decision to the council by filing a notice of appeal with the city manager within 10 days of the effective date of the revocation. During the pendency of the appeal, the order to revoke is stayed.

### **7.635 Form of Certificate of Registration, Term.**

(1) The city manager shall prescribe the form of the certificate of registration. Each such certificate shall have the following printed prominently thereon: "The issuance of this certificate of registration is not an endorsement by the city of Dallas or any of its officers or employees." Each certificate of registration shall bear a registration number which is the same as the file containing the registration statement filed by the registrant.

(2) Every certificate of registration issued by the city manager shall contain a termination date upon which the certificate shall expire. The termination date shall be the termination of the solicitation period specified in the registration statement or one year from the date of issuance, whichever is less.

(3) The certificate of registration shall contain a list of the acts prohibited by section 7.610.

### **7.640 Evidentiary Matters.**

For the purposes of sections 7.610(1)(e) and 7.610(1)(g), if a person solicits on behalf of a person registered pursuant to sections 7.600 to 7.640, it is presumed that the person registered allowed, suffered, or permitted the solicitation.

### **7.645 Exception.**

The provisions of sections 7.000 to 7.075 are not applicable to sections 7.600 to 7.640.



# Solicitation Registration

## Dallas City Code 7.600

-Application Fee - \$150.00-

Official Use Only
File # _____
Date _____
Fee _____ Pd _____

Applicant's Name

Applicant Type: (Please check one and complete the requested information)

### Individual person

Complete Business or Residence Address

Phone

### Partnership

Complete principal business address

Name and phone number of each partner

### Corporation

Is this corporation organized under Oregon Law?      Yes      No

If no, where is the corporation registered?

Complete mailing address

Complete physical address

Phone

Name of person in charge of Willamette Valley office

Name of registered agent of the corporation

Names of all officers and directors or trustees of the corporation

### Association or Limited Liability Company

Principal business address

Phone number

**Association or Limited Liability Company**

Complete principal business address

Phone

If the association or LLC is part of a multi-state organization, please provide complete mailing address and physical address of the local office

Does the association or LLC have more than 10 members?                      Yes                      No

If **yes**, list names and principal business/residence address and phone numbers of the officers, directors, trustees, or managers in the space below.

If **no**, list names and principal business/residence addresses and phone numbers of all members in the space below.

If the applicant is a partnership, corporation, association or LLC, please briefly describe the nature of the organization and explain the intended purpose of the solicitation.

Individual in direct charge or control of the solicitation:

Name

Complete mailing address

Phone

Person designated to receive communications regarding solicitation:

Name

Complete mailing address

Phone

Names, complete addresses, social security numbers, dates of birth, and driver's license numbers of all persons actually involved in solicitation activity (use additional pages if needed)

<b>Full Name</b>	<b>Complete Address</b>	<b>SSN</b>	<b>Driver's License #</b>	<b>State Issued</b>
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Beginning date for solicitation

Expected ending date

Describe methods and means of solicitation, including the approximate locations and dates of when those locations will be visited.



Names of other cities in which registrant has solicited in the past 5 years (if more than five, list 5 cities located nearest to Dallas)

Has any officer, director, trustee, partner, corporation or any current agent or employee or any other person actually engaged in the solicitation, signed a consent decree or order in the last five (5) years or been convicted of a felony or a misdemeanor involving moral turpitude within the past five (5) years?

Yes No

**If yes, please attach a sheet explaining fully the nature of the offense, or consent decree or order and explain where it occurred and when. If you are unable to provide any of this information, please explain why you are unable to do so.**

I acknowledge that if a certificate of registration is granted, such certificate will not be used as or represented to be an endorsement by the City or any of its officers or employees.

I hereby swear or affirm that I have carefully read the registration statement and that all information contained therein is true and correct. (**Note:** signature must be by the applicant if registration is for an individual, by a partner if registration is for a partnership, by a manager if the registration is for a corporation, or by an officer if the registration is for an association or an LLC.)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_

STATE OF OREGON    )  
                                  ) ss.  
County of Polk        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
20 \_\_\_\_, by \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

**Step 1**  
Please submit  
payment to:  
Finance Department  
187 SE Court Street  
Dallas, OR 97338  
503-831-3508



**Step 2**  
Please  
return  
completed  
form to:  
City Manager's Office  
187 SE Court Street  
Dallas, OR 97338  
503-831-3502  
[recorder@dallasor.gov](mailto:recorder@dallasor.gov)